

## REMARKS

Claims 1, 2, 4, 5, 7, 8 and 11-26 are pending in the application. Claims 1, 2, 4, 5, 7, 8 and 11-26 were rejected. Claims 1, 2, 4, 5, 7, 8, 11-14, 16-22, 24 and 25 have been amended. Applicant requests reconsideration and allowance of all pending claims.

### *Claim Rejections - 35 U.S.C. § 102*

Claims 4, 5 and 19-20 were rejected under 35 U.S.C. § 102(e) over Hayakawa et al., U.S. Patent No. 6,130,993 (hereinafter Hayakawa).

Claim 4 as amended recites “adjusting a light path that intersects the light sensing device by pivoting an optical component about at least two generally perpendicular axes according to the actuator signal.”

Hayakawa discloses stabilizing a camera image using movable mirrors. For example, in Figure 7, the mirror 51 is rotated on a single axis 58 and the mirror 52 is rotated on a single axis 59. Neither mirror is pivoted about at least two generally perpendicular axes.

It would have been unobvious to remove one of the mirrors and control the remaining mirror to pivot about at least two generally perpendicular axes according to an actuator signal. For example, Hayakawa teaches away from such a modification by suggesting that, when only one movable mirror is desired, the light target is controlled to compensate for vibration in another direction. See FIG. 1 where the single movable mirror 14 adjusts to correct for vibration in only one direction, while the sprocket motor 21 controls the sprocket 20 to cause the film 16 to speed up or slow down to account for vibration in the other direction.

In contrast, claim 4 includes “adjusting a light path that intersects the light sensing device by pivoting an optical component about at least two generally perpendicular axes according to the actuator signal.” Thus, claim 4 should be allowed. Claims 5 and 19-20 and dependent and should be allowed for at least the same reasons.

### *Claim Rejections - 35 U.S.C. § 103*

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayakawa.

Claim 18 is dependent and should be allowed for at least the same reason as claim 4.

Claims 1, 2, 4, 5, 7, 8, 12-17 and 21-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayakawa in view of Umeda et al., U.S. Patent No. 6,452,632 (hereinafter Umeda).

Claim 7, as amended, recites “means for sensing a vibration of a light sensing device of an optical scanner relative to a housing of the optical scanner, wherein said means for sensing is mounted on said light sensing device”.

Hayakawa discloses a vibration sensor for “detecting the magnitude of ... the camera body.” *See* Summary of the Invention, second paragraph. Referring to FIG. 1, the vibration sensor 38 senses the angular speed *of the camera* 10. *See* col. 10, lines 30-45. Any vibration caused by the advancement of the film 16 is not isolated from vibrations caused by the shaking of the camera.

Moreover, any proposed modification of Hayakawa to isolate vibration of the camera film 16 from the camera, if possible (which they are not), would destroy the principle operation of Hayakawa. MPEP 2143.01 paragraphs V and VI indicating “[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification”. The principal operation of Hayakawa is to address image shake caused by unstable movement of the camera. *See* the summary of invention, second sentence. Even if one could have modified Hayakawa to isolate vibration of the film 16 from the camera (which one could not as mounting the vibration sensor 38 directly on the film would prevent normal advancement of the camera film and cause other problems during camera operation), such a modification would cause the optical system to respond to the wrong type of vibration Hayakawa seeks to resolve. Thus, not only was there no reason to make the proposed modification to Hayakawa at the time of filing the present application, there was a reason to avoid making the proposed modification to Hayakawa.

In contrast, claim 7 recites “means for sensing a vibration of a light sensing device of an optical scanner relative to a housing of the optical scanner, wherein said means for sensing is mounted on said light sensing device” When vibration is generated by movement of the CCD independently from the scanner body, this feature addresses such vibration. *See* page 1, lines 19-20. Thus, claim 7 should be allowed. Claims 8, 21 and 22 are dependent and should be allowed for at least the same reason.

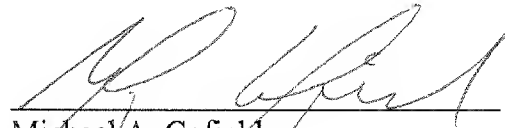
Claims 1, 2, 4, 5, 12-17 and 23-26 should be allowed for at least similar reasons as described with respect to claims 4 and/or 7.

#### CONCLUSION

For the foregoing reasons, reconsideration and allowance of all pending claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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